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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re

GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**NOTICE OF MOTION FOR ORDER
APPROVING COMPROMISE
REGARDING ALLOCATION OF
CONTINGENCY FEES BETWEEN THE
ESTATE AND THE LAW OFFICE OF
KENNY S. RAMIREZ PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9019**

**[No Hearing Required Pursuant to
Local Bankruptcy Rule 9013-1(o)]**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that Elissa D. Miller, the chapter 7 trustee for the bankruptcy estate of Girardi Keese (the "Trustee"), has filed a *Motion for Order Authorizing Compromise of Controversy Regarding Allocation of Contingency Fees Between the Estate and The Law Office of Kenny S. Ramirez Pursuant to Federal Rule of Bankruptcy Procedure 9019* (the "Motion"). The Trustee is requesting that the Motion be granted without a hearing as provided in Local Bankruptcy Rule 9013-1(o) unless a party in interest timely files and serves a written opposition to the Motion and requests a hearing. The Motion is summarized as follows

1. Prior to the Petition Date, Violet Mendoza ("Mendoza") retained the Debtor to represent her in a case against F. McCourt (the "Case"). While employed by the Debtor, Ramirez was the attorney who brought Mendoza in as a client and who worked exclusively with Mendoza in pursuing the Case. Ramirez brought the Case in to the

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1 Debtor shortly before he left the firm, and Ramirez has continued to represent Mendoza
2 after leaving the Debtor's employment. The dispute recently went to arbitration, with one
3 of the issues being allocation of damages among four injured claimants. Ramirez
4 handled all aspects of working up the matter prior to and through the arbitration, including
5 the preparation of briefs, compilation of evidence, the retention of experts, witness
6 issues, medical exams, the presentation of evidence, argument, and several weeks'
7 worth of post-arbitration briefs on legal and evidentiary issues between the opposing
8 claimants. Ramirez also incurred thousands of dollars in additional costs in pursuing the
9 resolution of the Case.

10 2. Based primarily on the short period of time that Mendoza was a client of the
11 Debtor, the Trustee and Ramirez have agreed that the Estate's share of the Contingency
12 Fee is 5%, or \$25,968.96 and Ramirez's share of the Contingency Fee is 95%, or
13 \$493,410.20. The Estate is to be reimbursed for the Debtor's costs totaling \$33,026.66.
14 A copy of the Agreement, which fully sets out the terms of the settlement, is attached to
15 the Motion as Exhibit "1."

16 **DEADLINE FOR FILING AND SERVING OPPOSITION PAPERS AND**
17 **REQUEST FOR A HEARING:** Pursuant to LBR 9013-1(o), any party who opposes the
18 Motion may request a hearing on the Motion. The deadline to file and serve a written
19 opposition and request for hearing is **14 days** after the date of service of this notice, plus
20 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).

21 If you timely file and serve a written opposition and request for a hearing, the
22 Trustee will file and serve a notice of hearing at least 14 days in advance of the hearing.
23 If you fail to comply with this deadline, (a) the Trustee will file a declaration to indicate
24 (1) the Motion was properly served, (2) the response period elapsed, and (3) no party
25 filed and served a written opposition and request for a hearing within 14 days after the
26 date of service of the notice; (b) the Trustee will lodge an order that the Court may use to
27 grant the Motion; and (c) the Court may treat your failure as a waiver of your right to
28 oppose the Motion and may grant the Motion without further hearing and notice.

DATED: August 19, 2021

SMILEY WANG-EKVALL, LLP

By: /s/ Kyra E. Andrassy

KYRA E. ANDRASSY

Attorneys for Elissa D. Miller,

Chapter 7 Trustee

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF MOTION FOR ORDER APPROVING COMPROMISE REGARDING ALLOCATION OF CONTINGENCY FEES BETWEEN THE ESTATE AND THE LAW OFFICE OF KENNY S. RAMIREZ PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9019** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) August 19, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) August 19, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1660
Los Angeles, CA 900125

☒ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 19, 2021

Date

Gabriela Gomez-Cruz

Printed Name

/s/ Gabriela Gomez-Cruz

Signature

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